IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 59 of 2005 (S/B)

Pant Viswvidhalaya Sikshak Samiti,
Govind Ballabh Pant Krishi Evam Prodogik Viswvidyalaya,
Pant Nagar, District Udham Singh Nagar,
Through its President Dr. S.P. Singh. …….. Petitioner

Versus

1. State of Uttaranchal,
   through Secretary, Higher Education,
   Secretariat Dehradun.
2. G.B. Pant University of Agriculture and Technology,
   Pant Nagar through its Vice Chancellor.
3. Indian Council of Agricultural Research,
   Krishi Bhavan, New Delhi,
   Through its Secretary. …….. Respondents

Mr. B.P. Nautiyal and Mr. H.M. Bhatia, Advocates for the petitioner.
Mr. Rajendra Dobhal, Advocate for respondent No. 2.
Mr. K.P. Upadhyaya, Standing Counsel for respondent No. 1.
Ms. Anjali, Addl. Standing Counsel (Central Govt.) for respondent No. 3.

Coram: Hon. Cyriac Joseph, C.J.
Hon. M.M. Ghildiyal, J.

ORAL JUDGMENT: (Per Hon'ble the Chief Justice)

1. The petitioner Pant Viswvidhalaya Sikshak Samiti claims to be a duly registered society under the Societies Registration Act. It is stated that the petitioner represents the teachers of G.B. Pant University of Agriculture and Technology – the second respondent in this writ petition. The prayer in the writ petition is for a direction to respondents No. 1 & 2 i.e. the State of Uttaranchal and the G.B. Pant University of Agriculture and Technology to enhance the age of superannuation of the teachers of the University from 60 years to 62 years with the benefit of gratuity as per the direction of the Department of Agriculture Research, Government of India, New Delhi contained in Annexure 7 Government Order dated 31.10.2003 and the Resolution of the Board of Management of the G.B. Pant

University of Agriculture and Technology. The petitioner has also sought a direction to extend the above-mentioned benefit to the teacher / scientists who are working on the basis of Government Order No. 290/12-8-2000(400)/43/99A dated 07.02.2000.

2. As per Annexure 7 Office Memorandum dated 31.10.2003, the Government of India, Ministry of Agriculture informed the Chief Secretaries of all the States and the Vice Chancellor of Central Agricultural University, Imphal that the competent authority had decided to enhance the age of superannuation of the teachers / scientists of State Agricultural Universities / Central Agricultural University, Imphal from the existing 60 years to 62 years w.e.f. 13.10.2003 and that consequently teachers / scientists who were due to retire on superannuation on 31.10.2003 would also retire only after attaining the age of 62 years. In Annexure 8 Order dated 04.02.2004, the Government of Uttar Pradesh enhanced the age of retirement of teachers of the Universities of that State from 60 years to 62 years. As per Resolution passed on 03.02.2004, the Board of Management of the second respondent University recommended that the age of superannuation of teachers / scientists of the University should be enhanced from 60 years to 62 years. In spite of the above facts, the Government of Uttaranchal has not taken any decision to enhance the age of superannuation of the teachers and scientists of the second respondent University. The petitioner had submitted Annexure 9 Representation dated 07.04.2003 to the Principal Secretary, Higher Education, Government of Uttaranchal requesting for increase of the age of superannuation of University teachers from 60 years to 62 years. Through Annexure 10 Representation dated 03.04.2003, the petitioner had requested the Hon'ble Chief Minister of Uttaranchal to enhance the age of retirement of the teachers and scientists of the University from 60 years to 62 years. Since no favourable orders have been passed by the Government in the matter, the petitioner has filed this writ petition.

3. Mr. K.P. Upadhyaya, learned Standing Counsel for the State of Uttaranchal submits that he has no objection in giving a direction to the Government of Uttaranchal to take a decision in the matter if Annexure 10 Representation was actually submitted to and was received by the Hon'ble Chief Minister. We also are of the opinion that since the matter requires a policy decision by the Government, it is only proper to direct the Government to take a decision in the matter without any further delay. Since, the petitioner submits that some of the teachers who are working beyond the date of attaining the age of 60 years on the basis of Government Order No. 290/12-8-2000(400)/43/99A dated 07.02.2000 and they are due to retire from service on 30.06.2005, it is desirable that the Government takes a decision in the matter at the earliest.

4. Hence, the writ petition is disposed of with a direction to the State of Uttaranchal to consider and dispose of Annexure 10 Representation dated 03.04.2003, if it has been received by the Government and is pending, as early as possible and at any rate, on or before 27.06.2005.

5. The Registry is directed to forward a copy of this judgment to the Chief Secretary, Government of Uttaranchal forthwith. It will be open to the petitioner to obtain a copy of this judgment and to produce it before the Chief Secretary immediately for information and compliance.

(M.M. Ghildiyal, J.) **(Cyriac Joseph, C.J.)**
02.05.2005 **02.05.2005**

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